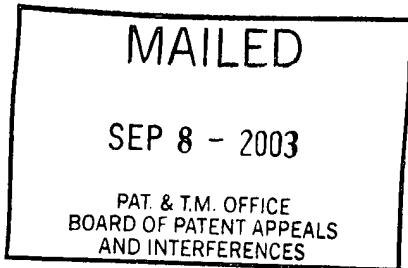




## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Gardner Lane  
Telephone: (703) 308-9797  
Facsimile: (703) 305-0942



Applicant: BAGUISI  
Application No.: 09/432,906  
Filed: 11/02/99  
For: METHOD FOR CLONING ANIMALS  
Accorded benefit: Provisional Applications  
60/149,317, filed 08/17/99; 60/131,328, filed  
04/26/99; 60/131,061, filed 04/26/99; 60/106,728,  
filed 11/02/98

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,140.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

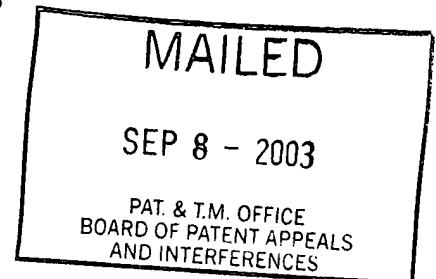
  
\_\_\_\_\_  
SALLY GARDNER LANE  
Administrative Patent Judge

Filed by: Sally Gardner Lane  
Administrative Patent Judge  
Mail Stop Interference  
P. O. Box 1450  
Alexandria, VA 22313-1450  
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Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**YANN ECHELARD,**  
ESMAIL BEHBODI, CAROL ZIOMEK,  
WILLIAM GAVIN, and DAVID MELICAN  
Junior Party,  
(Application 09/431,842),



v.

**ALEXANDER BAGUISI,**  
and ERIC OVERSTROM  
Junior Party<sup>1</sup>,

(Application 09/432,906).

Patent Interference No. 105,140

**NOTICE DECLARING INTERFERENCE**  
(37 CFR § 1.611)

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

<sup>1</sup> Both parties have been designated as "junior" since: (1) both involved applications appear to have the same filing date and (2) both involved applications have been accorded the same priority benefit (*infra* at 3 and 4).

Details of the application, patent, count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

**Part B. Judge designated to handle the interference**

Administrative Patent Judge Sally Gardner Lane has been designated to handle the interference. 37 CFR § 1.610(a).

**Part C. Standing order**

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

**Part D. Conference call to set dates**

A telephone conference call to set dates for taking action in the interference is scheduled for **2:00 pm on 4 November 2003** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶ 10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. The parties involved in this interference are:**

Junior Party

Named inventors: Yann Echelard,  
Jamaica Plain, MA

Esmail Behbodi,  
Shrewsbury, MA

Carol Ziomek,  
Milford, MA

William Gavin  
Dudley, MA

David Melican,  
Fiskdale, MA

Application: 09/431,842, filed 2 November 1999

Title: TRANSGENIC AND CLONED MAMMALS

Assignee: GTC BIOTHERAPEUTICS, INC.

Accorded Benefit: US 60/131,328, filed 26 April 1999

US 60/106,728, filed 2 November 1998

Attorneys: See last page

Address: See last page

Junior Party

Named Inventors: Alexander Baguisi,  
Grafton, MA

Eric W. Overstrom,  
Grafton, MA

Application: 09/432,906, filed 2 November 1999

Title: METHODS FOR CLONING ANIMALS

Assignee: TRUSTEES OF TUFTS COLLEGE

Accorded Benefit: US 60/149,317, filed 17 August 1999

US 60/131,328, filed 26 April 1999

US 60/131,061, filed 26 April 1999

US 60/106,728, filed 2 November 1998

Attorneys: See last page

Address: See last page

**Part F. Count and claims of the parties**

**Count 1**

Claim 1 of Echelard (09/431,842)

or

claim 1 of Baguisi (09/432,906).

The claims of the parties are:

Echelard: 1-7, 9, 11-18, 20, 22, 23, 27-38, 50-62, and 66-77

Baguisi: 1, 2, 4, 5, 7-9, 11-17, 39-45, 47-51, and 60-93

The claims of the parties which correspond to Count 1 are:

Echelard: 1-7, 9, 11-18, 20, 22, 23, 27-38, 50-62, and 66-77

Baguisi: 1, 2, 4, 5, 7-9, 11-17, 39-45, 47-51, and 60-93

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Echelard: None

Baguisi: None

**Part G. Heading to be used on papers**

The following heading shall be used on papers filed in the interference. See STANDING ORDER ¶ 3.5.

Paper       <sup>11</sup>

Filed on behalf of [name of party]

By: Name of lead counsel

Name of backup counsel

Street address

City, State, and Zip-Code

Tel:

Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally Gardner Lane)

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YANN ECHELARD,  
ESMAIL BEHBODI, CAROL ZIOMEK,  
WILLIAM GAVIN, and DAVID MELICAN  
Junior Party,  
(Application 09/431,842),

v.

ALEXANDER BAGUISI,  
and ERIC OVERSTROM  
Junior Party,  
(Application 09/432,906).

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Patent Interference No. 105,140

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TITLE OF PAPER

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<sup>11</sup> Leave a blank line because the board assigns the paper number.

## **Part H. Summary of dates for taking action**

Times for taking action are set out in the following sections of the STANDING ORDER:

- ¶ 4: date for identifying lead and backup counsel.
- ¶ 5: date for identifying any real party in interest.
- ¶ 6: date for requesting copies of involved and benefit applications and patents.
- ¶ 7: date for accomplishing certain discovery.
- ¶ 8: date for filing clean copy of claims.
- ¶ 9: date for filing clean copy of claims in cases with drawings or claims containing a means plus function limitation.
- ¶ 10: date for filing list of proposed preliminary motions.
- ¶ 13.10.2: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- ¶ 14.1.1: date for objecting to admissibility of evidence.
- ¶ 14.2: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- ¶ 14.3: dates when cross-examination can take place.
- ¶ 15.2: dates for taking action with respect to settlement discussions.

**Part I. Order form for requesting file copies**

**FILE COPY REQUEST  
Interference 105,140**

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, ZIP code and telephone number (do not list a Post Office box because file copies are sent via commercial overnight courier).
3. Telephone, including area code: \_\_\_\_\_

**Part J. Signature of administrative patent judge**



Sally Gardner Lane  
Administrative Patent Judge

Date: 8 September 2003

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Form PTO-850

Copy claims of 09/431,842

Copy of claims of 09/432,906

Revised May 2003

cc (via overnight delivery):

Attorney for Echelard (real party in interest: GTC Biotherapeutics, Inc.)

FISH & RICHARDSON, P.C.  
225 Franklin Street  
Boston, MA 02110-2804

Tel: 617-542-5070

Attorney for Baguisi (real party in interest: Trustees of Tufts College)

Antoinette G. Giugliano, Esq.  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 Virginia Road  
Concord, MA 01742-9133

Tel: 978-341-0036